

AMENDED IN ASSEMBLY APRIL 5, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 659

Introduced by Assembly Member Wiggins

February 23, 1999

An act to add Section 12032 to the Business and Professions Code, relating to weights and measures.

LEGISLATIVE COUNSEL'S DIGEST

AB 659, as amended, Wiggins. Point of sale stations.

(1) Existing law authorizes the Secretary of Food and Agriculture to adopt rules and regulations regarding the accuracy of automated systems for retail commodity price charging referred to as scanners.

This bill would enact the Retail Price Accuracy Act of 1999. The bill would require a retail establishment to pay a customer a specified amount of money if that establishment operates a point of sale station, *as defined*, and is notified that, as a result of a *completed* retail sales transaction, a customer was charged a price for an item or commodity that is greater than the advertised, posted, or quoted price, as prescribed. The bill would require each retail establishment that operates a point of sale station to post a sign at the main entrance to the establishment and at each check-out stand that informs the customers of that requirement. The bill would prescribe related matters. Because, under existing law, a violation of these provisions would be a crime, this bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12032 is added to the Business
2 and Professions Code, to read:

3 12032. (a) This section shall be known as and may be
4 cited as the Retail Price Accuracy Act of 1999.

5 (b) If a retail establishment that operates a
6 point-of-sale station is notified that, as a result of a
7 *completed* retail sales transaction, a customer was
8 charged a price for an item or commodity that is greater
9 than the advertised, posted, or quoted price of that item
10 or commodity, the retail establishment shall pay to the
11 customer, upon notification by the customer of the
12 overcharge, one of the following amounts, as applicable:

13 (1) An amount equal to the difference between the
14 price advertised, posted, or quoted by the establishment
15 and the price charged to the customer, plus an amount
16 equal to 10 times that difference, but which is not less than
17 one dollar (\$1) nor more than ten dollars (\$10).

18 (2) If a customer is overcharged on more than one
19 item within a single transaction or on two or more
20 identical items within a single transaction, an amount
21 equal to the difference on each item, plus an amount
22 equal to 10 times the difference on the highest priced
23 overcharged item in the transaction, but which is not less
24 than one dollar (\$1) nor more than ten dollars (\$10).

25 (c) For the purposes of this section, notification by a
26 customer of an overcharge means the submission of a
27 verbal or written statement to an employee of a retail
28 establishment not later than 30 days from the date of the
29 transaction at issue and includes the submission of the

1 original or a copy of the transaction receipt containing
2 the overcharge.

3 (d) Each retail establishment that operates a
4 point-of-sale station shall post a sign at the main entrance
5 to the establishment and at every checkout stand that
6 informs the customers in plain language of the
7 requirement set forth in subdivision (b). The sign shall be
8 at least six inches in height and at least six inches in width
9 and shall be printed on a clear and contrasting
10 background in type that is 21 point size or larger.

11 (e) Nothing in this section prevents a retail
12 establishment from establishing a policy that provides for
13 payment to a customer who was charged more for an item
14 or commodity than the price advertised, posted, or
15 quoted in an amount that is greater than that provided for
16 in subdivision (b), if notice of that policy is posted in
17 accordance with subdivision (e).

18 (f) *For the purposes of this section, "point of sale*
19 *station" means each individual separate location or*
20 *checkstand within an establishment at which consumers*
21 *are charged for commodities using equipment that*
22 *recovers stored information regarding the selling price of*
23 *those commodities printed on the product or a label*
24 *affixed to the product, including, but not limited to, those*
25 *that use Universal Product Code scanners, price look-up*
26 *codes, or any other system that relies on the retrieval of*
27 *electronically stored information to complete a*
28 *transaction of commerce between a retailer and the*
29 *ultimate consumer.*

30 (g) This section is in addition to any other penalty or
31 sanction provided by law, and does not supplant any other
32 provision of law.

33 SEC. 2. No reimbursement is required by this act
34 pursuant to Section 6 of Article XIII B of the California
35 Constitution because the only costs that may be incurred
36 by a local agency or school district will be incurred
37 because this act creates a new crime or infraction,
38 eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section
40 17556 of the Government Code, or changes the definition

- 1 of a crime within the meaning of Section 6 of Article
- 2 XIII B of the California Constitution.

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